

# **EXHIBIT A**



NEW JERSEY OFFICE  
30 COLUMBIA TPK.  
SUITE 205  
FLORHAM PARK, NJ 07932  
973-245-8100

NEW YORK OFFICE  
445 HAMILTON AVE.  
SUITE 1102  
WHITE PLAINS, NY 10601  
914-287-7711

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Sender's email: dlallis@pmlegalfirm.com

July 24, 2019

**VIA CERTIFIED MAIL AND**  
**NEW JERSEY LAWYERS SERVICE**

State of New Jersey  
Tort and Contract Unit  
Department of the Treasury, Bureau of Risk Management  
P.O. Box 620  
Trenton, New Jersey 08625

State of New Jersey  
Department of Law and Public Safety  
Office of the Attorney General  
R.J. Hughes Justice Complex, CN 116  
Trenton, New Jersey 08625

**Re: Claim of Franklin Armory, Inc.**  
**Notice of Claim Under the New Jersey Tort Claims Act**

To Whom it May Concern:

The following correspondence is sent pursuant to the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1, and more specifically, pursuant to N.J.S.A. 59:8-1.

1. Claimant

Franklin Armory, Inc.  
2246 Park Place, Suite B  
Minden, Nevada 89423

Jay Jacobson  
President  
Franklin Armory, Inc.  
c/o PISCIOTTI MALSCH  
30 Columbia Turnpike, Suite 205  
Florham Park, New Jersey 07932

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2. Post Office Address to Which Notices and Correspondence in Connection With This Claim are to be Sent

Danny C. Lallis  
PISCIOTTI MALSCH  
30 Columbia Turnpike, Suite 205  
Florham Park, New Jersey 07932  
(973) 245-8100  
dlallis@pmlegalfirm.com  
*Attorneys for Franklin Armory, Inc.*

3. Date of the Occurrence or Accident

On or about April 26, 2019 and continuing.

4. Circumstances and Details Regarding the Occurrence or Accident

Franklin Armory, Inc. ("Franklin Armory") is a Nevada corporation that manufactures firearms and firearms parts. One of the firearms it manufactures is the Reformation®, which the Firearms Technology – Industry Services Branch of the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") has repeatedly classified as a firearm that is not regulated under the National Firearms Act. Franklin Armory intended to begin selling the Reformation® to federally licensed firearms dealers ("FFLs") in New Jersey by the end of April 2019.

After a New Jersey FFL contacted the New Jersey State Police about the legality of selling the Reformation®, Detective J. Hearne advised that the Reformation® "would be eligible for sale" in New Jersey and "currently fits within the laws of the state as legal." Nonetheless, Detective Hearne contacted Franklin Armory to request a formal letter describing the Reformation®. Franklin Armory complied with this request and advised that it intended to commence distribution to New Jersey FFLs unless it was advised of a relevant state statute or regulation that would prohibit such a sale.

On April 3, 2019, Detective Sergeant First Class ("DSFC") Bloom, Assistant Unit Head for the Firearms Investigation Unit, confirmed via letter that the sale of Reformation® was legal but expressed concern that individual purchasers may be mistakenly prosecuted for possession of an "assault firearm" or "sawed off shotgun." Therefore, DSFC Bloom advised that he had requested a legal opinion from the Office of the Attorney General and instructed Franklin Armory not to sell the Reformation® in New Jersey until receiving a written response. No legal authority was cited to support either DSFC Bloom's ability to order Franklin Armory to cease sales of the Reformation® or the

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need for approval from the Office of the Attorney General before selling firearms in New Jersey.

Despite the lack of legal authority, Franklin Armory agreed to delay sales into New Jersey so that the Office of the Attorney General could provide a written response to DSFC Bloom's request. Having received no response after a period of thirty days, however, Franklin Armory advised of its intent to begin sales on April 29, 2019. DSFC Bloom responded and explained:

[T]he sale of the firearms in question will not occur in the State until we have heard from our legal counsel. We will advise all licensed retail firearms dealers in the State to suspend any sales of this product, until the Attorney Generals [sic] Office has made a final determination on the legality of the product.

After waiting weeks for a response, Franklin Armory's corporate attorney, Jason Davis, contacted Deputy Attorney General MaryBeth Woods via telephone to discuss the situation. In response, she advised that Franklin Armory would be receiving a letter shortly.

On or about July 17, 2019, Lt. Stephen Mazzagatti of the New Jersey State Police responded in a letter that both contradicted the previous responses from the State Police and misapplied State law. Specifically, Lt. Mazzagatti stated that the firearms have the "characteristics of shotguns" because: (1) the barrels are *not rifled*, (2) the firearms are designed to fire *from the shoulder*; and (3) the firearms fire *a single projectile for each pull of the trigger*. However, Lt. Mazzagatti omitted a requisite element in order for a firearm to be deemed a "shotgun" under 2C:39-1.n," which states:

"Shotgun" means any [1] firearm designed to be *fired from the shoulder* and [2] *using the energy of the explosive in a fixed shotgun shell* [3] to fire through a *smooth bore* [3] either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

This contradicted the previous responses from the State Police, which had already determined (citing N.J.S.A. 2C:39-1.w.(3)) that the firearms each have a "barrel length of less than eighteen inches measured from the breech to the muzzle" and do not use the energy of an explosive in a "fixed shotgun shell."

Further, Lt. Mazzagatti's letter went on to state: "[a]s a shotgun, under N.J.S.A. 2C:39-1.n, a barrel length of less than eighteen inches measured from the breech to the muzzle is considered a 'sawed-off shotgun.'" The definition of "sawed-off shotgun,"

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however, only applies to “shotguns,” and, as discussed above, the Reformation® does not qualify as such. See N.J.S.A. 2C:39.1.o. Finally, Lt. Mazzagatti implied that the Reformation® line qualifies as an “assault weapon” under N.J.S.A. 2C:39-1.w(3), which – again – applies only to “shotguns.”

To date, no one has cited any *applicable* legal authority demonstrating that sales of the Reformation® would be illegal in New Jersey. Additionally, on or about April 26, 2019, Franklin Armory was advised by at least one FFL who had contracted to purchase a Reformation® that the New Jersey State Police contacted the store, and the FFL cancelled its order.

This claim arises out of the official misconduct, negligence, recklessness, and/or purposeful, intentional, or callously indifferent conduct of the State of New Jersey, the New Jersey Office of the Attorney General, the New Jersey State Police, DSFC Bloom, Lt. Mazzagatti, and their agents, servants, and/or employees. Based on the facts recounted above, Franklin Armory contends that these entities and individuals violated (1) the Constitution of the United States, including violating, among others, the Due Process Clause of the Fourteenth Amendment; the Equal Protection Clause; and the Second Amendment, and (2) 42 U.S.C. § 1983. Moreover, the above-listed entities have committed various torts against Franklin Armory, including, but not limited to, (1) tortious interference with a prospective economic advantage, (2) tortious interference with contract, (3) defamation; (4) defamation per se; (5) civil conspiracy; and (6) negligent hiring, training, or supervision. Franklin Armory contends that the actions and/or inactions of these entities, as detailed herein, were palpably unreasonable. Franklin Armory also intends to pursue a declaratory judgment under N.J.S.A. 2A:16-59, seeking a Court Order establishing, among other things, that it is legal to sell the Reformation® in the State of New Jersey and that approval from the Office of the Attorney General is not required prior to selling a lawful firearm in New Jersey.

5. Name and Address of All Witnesses to the Above Accident or Occurrence

Jay Jacobson  
President  
Franklin Armory, Inc.  
c/o PISCIOTTI MALSCH  
30 Columbia Turnpike, Suite 205  
Florham Park, New Jersey 07932

Detective J. Hearne #7209  
New Jersey State Police  
Firearms Investigation Unit  
P.O. Box 7068  
West Trenton, New Jersey 08628

PISCIOTTI MALSCH

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DSFC Brett C. Bloom #5239  
Assistant Unit Head  
Firearms Investigation Unit  
State of New Jersey  
Office of the Attorney General  
Department of Law and Public Safety  
Division of State Police  
P.O. Box 7068  
West Trenton, New Jersey 08628

Lt. Stephen Mazzagatti #5297  
Unit Head  
New Jersey State Police  
Firearms Investigation Unit  
P.O. Box 7068  
West Trenton, New Jersey 08628

Other employees, representatives, and agents of the State of New Jersey, New Jersey State Police, and the Office of the Attorney General.

Owners, principals, employees, representatives, and agents of New Jersey FFLs.

6. The Names and Addresses of Each State Agency or Agencies and Each State Employee Whom You Claim Caused Your Damages or Injuries

Lt. Stephen Mazzagatti # #5297  
Unit Head  
New Jersey State Police  
Firearms Investigation Unit  
P.O. Box 7068  
West Trenton, New Jersey 08628

DSFC Brett C. Bloom #5239  
Assistant Unite Head  
Firearms Investigation Unit  
State of New Jersey  
Office of the Attorney General  
Department of Law and Public Safety  
Division of State Police  
P.O. Box 7068  
West Trenton, New Jersey 08628

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Other employees, representatives, and agents of the State of New Jersey New Jersey State Police, and the Office of the Attorney General. The identities of such persons are not presently known and unavailable to Claimant.

7. The Name and Address of All Other Persons, Companies, or Governmental Agencies Which You Claim are Responsible for Your Injuries or Damages

None.

8. Describe the Injuries, Damages, and Losses Incurred

The injuries, damages, and losses suffered were described above. In general, however, the identified entities and individuals, separately and collectively, have caused damage to Franklin Armory's business, reputation, and marketability of its product by improperly and unreasonably prohibiting FFLs within the State of New Jersey from purchasing and selling a lawful product, suggesting that non-FFL individuals who purchase a lawful product may be subject to prosecution, and otherwise attempting to perpetually prevent the sale of a legal product without legal justification. Moreover, the above-listed entities have violated the Constitution of the United States and the New Jersey Constitution, without a basis in law, and have prohibited Franklin Armory from selling a lawful product in New Jersey.

9. Total Amount of the Claim and Basis for the Calculation

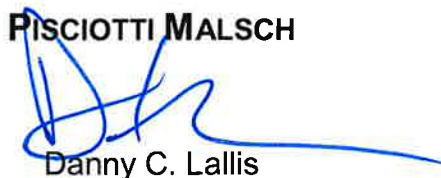
Detailed amount of the claimed damages are not known at this time.

10. Certification

I hereby certify that the foregoing statements made by me are true. I am aware that if any statement made herein is willfully false or fraudulent, that I am subject to punishment provided by law.

Very truly yours,

**PISCIOTTI MALSCH**



Danny C. Lallis

cc (via electronic mail):

Jason A. Davis (jason@calgunlawyers.com)

Jay Jacobson (jjacobson@franklinarmory.com)

**PISCIOTTI MALSCH**